

E.S. Stone and Structure, Inc.
Application for Amendment (006) to Operating Permit 00163
Submitted to the Department of Environmental Quality

This Amendment application covers proposed operations at two new sites. The site locations are shown in Map 1 in Appendix A.

Site 19: T 22 N, R 1 E, part of Section 29 (365 acres) as shown on Map 2, Appendix A. The permit area consists of the Rope property (435.12 acres), excluding the area near the Rope home and those of neighbors. Site 19 is immediately due west of Site 18 covered by Amendment 5 to this Operating Permit. Access will be from Gordon Road and/or Neuman Road.

The lease agreement for Site 19 is included in Appendix B.

Site 20: T 20 N, R 1 E, Section 2 (E ½ of the section and W ½ of SW ¼ of the section), Section 1 (W ½), and Section 11 (5 acres in SW ¼ of SW ¼ of NW ¼); T 21 N, R1E, Section 35 (SE ¼ and S ½ of NE ¼). Total area 964.62 acres. This site is shown in Maps 3 and 4 (Appendix A). Access to the site will be from Taft Hill Road via an existing two-track road across DNRC property in Section 11.

The operations under this Amendment will disturb up to 45 acres at any one time — 20 acres at Site 19, 20 acres in the privately owned portions of Site 20 (Sections 1, 2, and 35), and 5 acres in the State-owned portion of site 20 (Section 11).

The lease agreements for the Hastings and DNRC properties are included in Appendix B.

Surface rock picking methods will be used at both sites. These methods were previously permitted and described in the July 2005 Draft EA for Operating Permit 00163. The information contained in the original permit application is not repeated here.

Section1: Corporate Information

The following are the names and addresses of the owners of record and any purchasers under contract for deed of the surface of the land and of the minerals within the permit area and the owners of record and any purchasers for deed of all land or minerals within one half mile of any part of the permit areas. All property data are obtained from the Montana Cadastral Mapping Program.

Site 19

Permit area

Garnett A. Rope
255 Gordon Road, Vaughn, MT 59487-9525

Owners of neighboring properties within ½ mile

Neuman Living Trust
1420 2nd Road NE, Vaughn, MT 59487-9605

Neuman Land and Livestock Inc.
1600 Rocky Court, Great Falls, MT 59405-5213

Ted and Stevie M. Neuman
639 U.S. Highway 89, Vaughn, MT 59487-9534

Somerfeld and Sons Land and Livestock LLC
550 15th Lane NE, Power, MT 59468-9301

Tracy R. and Sue Somerfeld
9 Muddy Road, Vaughn, MT 59487-9524

Susan E. Overfield
251 Gordon Road, Vaughn, MT 59487-9525

Muddy Creek Farms LLC
11 Woodland River Drive, Great Falls, MT 59404-6507

Steven A. Williams
P.O. Box 928, Glasgow, MT 59230-0928

James G. Carney *et al.*
P.O. Box 928, Glasgow, MT 59230-0928

Steven Donald and Kelley Kerling
414 Gordon Road, Vaughn, MT 59487-9547

Steven Donald and Kelley Kerling *et al.*
414 Gordon Road, Vaughn, MT 59487-9547

Jon P. and Kimberly A. Gunter
342 Gordon Road, Vaughn, MT 59487-9548

Kate E. Morris
115 Avenue B, Billings, MT 59101-0634

Michael K. Drazich *et al.*
251 Schwerin Street, San Francisco, CA 94134-3230

Cascade County
P.O. Box 2549, Great Falls, MT 59403-2549

Site 20

Permit area

Robert J. Hastings Trust
201 Ulm-Vaughn Road, Great Falls, MT 59404-6313

State of Montana
2701 Prospect Avenue, Helena, MT 59601-9726

Owners of neighboring properties within ½ mile

Kory E. and Angela Marie Hastings
197 Ulm-Vaughn Road, Great Falls, MT 59404-6357

Gilbert R. and Lynda R. Payne
P.O. Box 35, Ulm, MT 59485-0035

Tony and Cindy Burow
P.O. Box 64, Ulm, MT 59485-0064

Goodman Trust
107 Sun Meadows Road, Great Falls, MT 59404-6314

Thomas A. Goodman
107 Sun Meadows Road, Great Falls, MT 59404-6314

American Tower Management, Inc.
P.O. Box 723597, Atlanta, GA 31139-0597

Qwest Corporation
1801 California Street, Suite E, Denver, CO 80202-2658

Pamela Sawyer Brown
1420 1st Avenue NW, Great Falls, MT 59404-3913

Neil and Babetta Eustance
P.O. Box 492, Vaughn, MT 59487-0492

James H. Davis
P.O. Box 492, Vaughn, MT 59487-0492

James H. Davis
542 Frontage Road West, Drummond, MT 59832-9613

Lawrence Newcomer
113 Taft Road, Great Falls, MT 59404-6353

Jay A. and Laura A. Schultz
3604 5th Avenue N, Great Falls, MT 59401-2208

Jim Ledford *et al.*
141 Taft Road, Great Falls, MT 59404-6353

Kevin and Shari Coxé
149 Taft Road, Great Falls, MT 59404-6353

Dorothy Halverson
101 Taft Road, Great Falls, MT 59404-6353

David and Bonnie McClendon
109 Taft Road, Great Falls, MT 59404-6353

Tracy Witt
89 Chandelle Lane, Great Falls, MT 59404-6023

Dean A. Taylor
85 Taft Road, Great Falls, MT 59404-6352

James C. and Marjorie J. Hillyard
81 Taft Road, Great Falls, MT 59404-6352

William K. and Randi L. Graves
136 Skyline Drive NE, Great Falls, MT 59404-1049

Kyle J. Victor
4231 16th Street SW, Great Falls, MT 59404-2725

Douglas C. and Doreen E. Dierking
45 Taft Road, Great Falls, MT 59404-6352

Ben Bell *et al.*
37 Taft Road, Great Falls, MT 59404-6352

Frank-Ti and Sherry Neff
195 Sun Meadows Road, Great Falls, MT 59404-6314

John E. and Susan B. Lapp
183 Sun Meadows Road, Great Falls, MT 59404-6314

Kevin D. and Denise M. Nichols
167 Sun Meadows Road, Great Falls, MT 59404-6314

Robert W. Dean Trust
P.O. Box 20909, Sedona, AZ 86341-0909

Douglas M. Wilhelm
90 Sun Meadows Road, Great Falls, MT 59404-6306

Eugene A. and Kelly Michelle Tynes
300 Park Drive South, Suite 202, Great Falls, MT 59405-1819

James Keven and Pamela Jean Fryberger
80 12th Street, Vaughn, MT 59487-9742

Dustin and Jessica Fryberger
86 Adams Road, Sun River, MT 59483-9719

George R. Cook
P.O. Box 69, Vaughn, MT 59487-0069

Lance A. and Donna E. Johnsen
5700 Snake River Ranch Road, Wilson, WY 83014-9160

Norm D. Schertenleib
152 Sun Meadows Road, Great Falls, MT 59404-6314

John A. Ball
160 Sun Meadows Road, Great Falls, MT 59404

Sharid L. and Wendy P. Lee
172 Sun Meadows Road, Great Falls, MT 59404

Richard C. Labard II
178 Sun Meadows Road, Great Falls, MT 59404-6314

Carol A. and Allen L. Casteel
190 Sun Meadows Road, Great Falls, MT 59404-6314

Colleen Stewart and Robert E. Durocher Trust
400 Gordon Road, Vaughn, MT 59487-9547

E.S. Stone and Structure, Inc. hereby certifies that it and its partners, officers, directors, owners of 10% or more of any class of voting stock, and business association members are not in

violation of any law, rule, or regulation of this state or of the United States pertaining to air quality, water quality, or mined land reclamation.

Section II. Pre-Mine Baseline

- Location and Topography: The maps in Appendix A show the locations of Sites 19 and 20.
 - The topography of Site 19 ranges from flat on the northern portion to a moderately steep slope on the south side.
 - The State of Montana portion of Site 20 is a five-acre plot on flat land.
 - The Hastings portion of Site 20, where rock-picking operations will occur, is located on and near Taft Hill. Its topography ranges from a flat plateau on top of the hill to draws and steep hillsides on other parts of the site.
- Present Land Use and Past Mining Disturbance: Both sites are native range used for grazing. Neither site has had any past mining disturbance.
- Water Wells:
 - There are two wells within the Site 19 proposed permit area. The Ground Water Information Center well log numbers and descriptions are as follows:

Log #920578, Neuman 1-29, date unknown. GWIC lists this as a petroleum well.

Log #917231, Neuman Ranch 16B-529, date unknown. GWIC lists this as a petroleum well.

GWIC has no further information on either one of these wells.
 - There is one domestic water well within 1000 feet of the proposed permit area:

Log #140814, Edmund Foote, in T 22 N, R1 E, Section 32. Domestic water well. Depth 56 ft, Static water level 29 ft. Completed July 8, 1981.
 - There are no water wells within the Site 20 proposed permit area. There is one domestic well within 1000 feet of the permit area:

Log #206099, Tom Goodman, in T 21 N, R 1 E, Section 36. Domestic water well, Depth 200 ft, Static water level 82 ft. Completed August 25, 2003.
- Surface Water:
 - The nearest surface water to Site 19 is Muddy Creek, which is within 500 feet of the permit area at its closest approach.

- The nearest perennial surface water to Site 20 is the Sun River, which is one half mile away from the site at its closest approach. An unnamed ephemeral drainage and a stock watering pond are within the permit area.
- Soils
 - Site 19: The soils are predominantly Emem very stony loam on 0-15% slopes and Abor-Yawdim clays on 8-20% slopes. A copy of the complete USDA National Resource Conservation Service (NRCS) report for this site is included in Appendix C.
 - Site 20: The soils on the Hastings land are predominantly Lisam-rock outcrop complex on 4-50% slopes, Emem very stony loam on 0-15% slopes, Vanda clay, and Mamarth clay loam on 0-4% slopes. The soil on the 5 acre DNRC site is Mamarth clay loam. A copy of the complete NRCS report for Site 20 is included in Appendix C.

Vegetation: Mining will occur on shallow and very shallow range sites, dominated by native grasses, providing approximately 50% ground cover. Species composition by weight varies over the permit area. However, a generalized species composition table at both sites is presented below:

Bluebunch wheatgrass 30% - 50%
 Idaho fescue 20% - 30%
 Needle and thread 20% - 30%
 Western and thick spike wheatgrass 10% - 20%
 Prairie June grass, blue grama, thread leaf sedge 10% - 20%
 Forbs (including Eriogonum, lupine, milkvetches, fringed sage wort) 10% - 20%

Leafy spurge is present at both sites.

Wildlife: There is no exceptional wildlife use within or near Sites 19 and 20. There is no winter range for ungulate species in either area.

- Greater Sage Grouse: There is no sage grouse habitat in the proposed permit areas or anywhere else in Cascade County. (See Map 5 in Appendix A.) This has been verified by Carolyn Sime of the Department of Natural Resources and Conservation.

Geochemistry: The surface rock being mined at Sites 19 and 20 is sandstone from the Bootlegger Member of the Judith River Formation. This rock contains no significant sulfides and is not acid-generating.

Section III. Operating Plan

- Site 19: Surface rock will be removed by hand or with an excavator or backhoe and transported to a palleting/staging area using a skid-steer loader. The palletized rock will then be loaded onto trucks for shipping offsite.
- Site 20: Surface rock will be removed by hand or with an excavator or backhoe and transported in pickup trucks to the palleting/staging area in Section 11. The company's lease with the Montana Department of Natural Resources and Conservation includes permission to use an existing two-track road that runs north and east from the gate where the state fence meets Taft Hill Road and affords access to the Hastings property. Palletized rock will be loaded onto trucks for shipping offsite.
- The surface rock being mined at Sites 19 and 20 is sandstone from the Bootlegger Member of the Judith River Formation. This rock contains no significant sulfides and is not acid-generating.
- Road Construction: No roads will be constructed.
- Water Protection: Operator will inspect and maintain all fuel storage tanks parked or set on-site (if any) to prevent spillage; immediately retrieve and properly dispose of any spilled fuel, lubricants, or hydraulic fluid or contaminated materials; and report any spill that reaches State waters or exceeds 25 gallons to the Department.
- Mineral Stockpiles: Rock is palletized for shipment. There may be some processing of rock, such as splitting or tumbling, before palletizing.
- Public Safety: All normal access points will be signed to prohibit public entry.
- Hours of operation: During the summer months hours of operation will be Monday through Thursday, 7:00 a.m. to 5:30 p.m. During the winter, due to limited daylight time, hours of operation will be Monday through Friday, 8:00 a.m. to 4:30 p.m.
- No additional employees will be necessary.

Section IV: Reclamation Plan

- Post-Mining Land Use: Reclaimed land will be returned to approximate original topography. All equipment and any temporary structures will be removed. Land will be reclaimed as pasture.
- Rock removal sites will be scarified as needed before replanting. The palleting/staging site will be scarified before replanting.

- Seeding: The sites will be broadcast seeded with the following seed mix:

<i>Seeds per square foot</i>	<i>Species</i>	<i>lb/acre</i>
40	Critana thickspike wheatgrass	11
20	Secar bluebunch wheatgrass	6
20	Lodorn green needlegrass	5
10	Sandberg bluegrass	0.5
10	Annual ryegrass	2
		Total 24.5

- Weed Control: Operator will ensure that all seed is weed-free and will control all noxious weeds per the attached Cascade County Weed Management Plan (Appendix D).
- Road Reclamation: Not applicable; no roads are to be constructed.
- Concurrent and Final Reclamation: Operator will keep reclamation as concurrent as possible with mining operations, grade as needed, scarify, and seed an area no longer needed for mine-related activities within one year of the cessation of such activities on that area, and seed reclaimed ground as needed.

Section V: Other

Archeological and Historical Values

The Montana State Historical Preservation Office (SHPO) has done file searches on all private lands included in this Amendment application and has reported no cultural resources listed on these sites. The Department of Natural Resources and Conservation (DNRC) has performed a complete cultural resource study on the northern half of Section 11 (T 20 N, R 1 E) and found no historical or cultural values that would be affected by activities permitted on this land by the lease with ES Stone. Copies of the SHPO and DNRC reports are included in Appendix E.

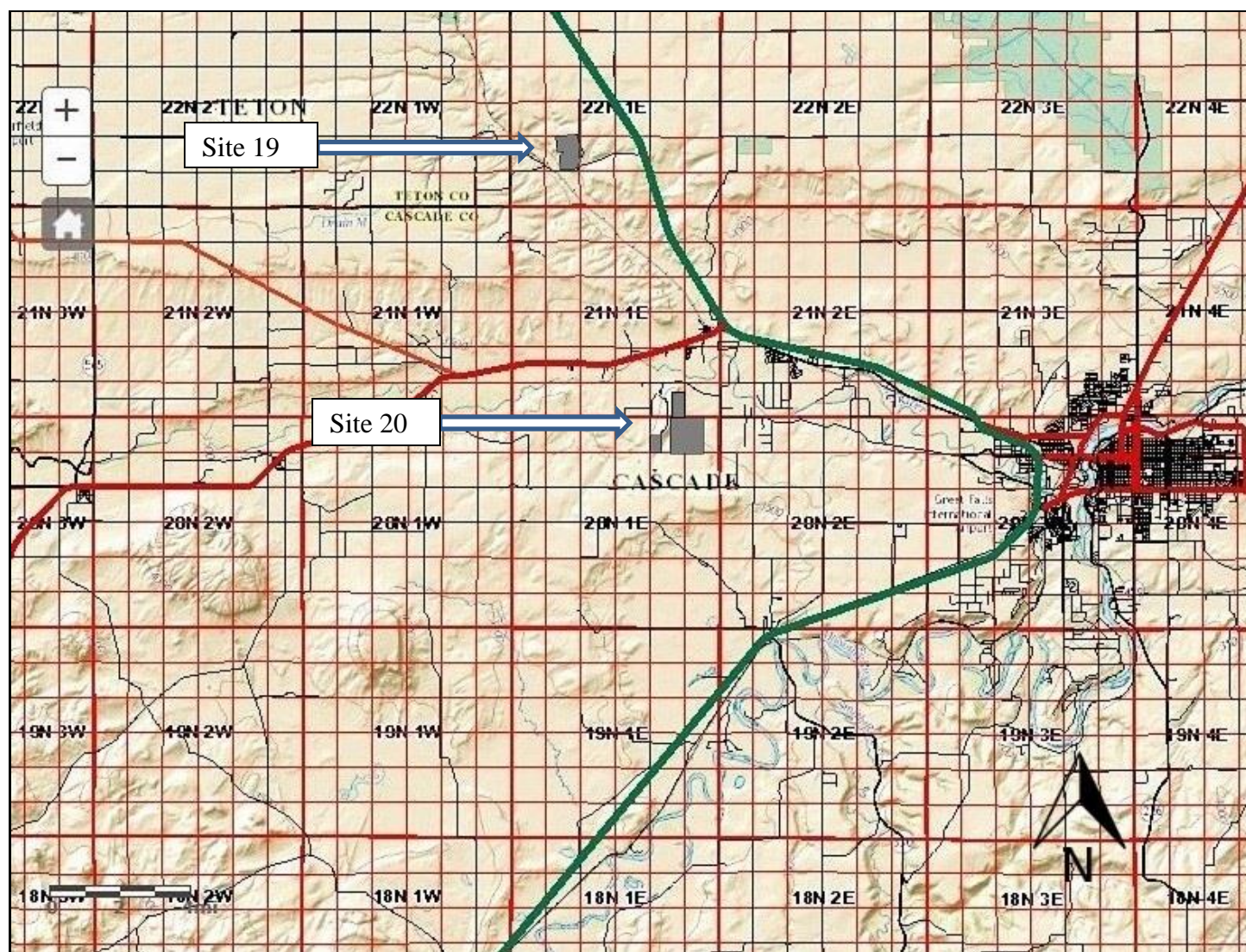
The Operator will

- provide appropriate protection for archeological and historic values found in the permit area, and
- route operations around a site of discovery, promptly notify SHPO (406-444-7715), and leave the site undisturbed until proper evaluation is made.

Personnel Informed

The operator will inform all necessary on-site personnel, including subcontractors, of the commitments made herein.

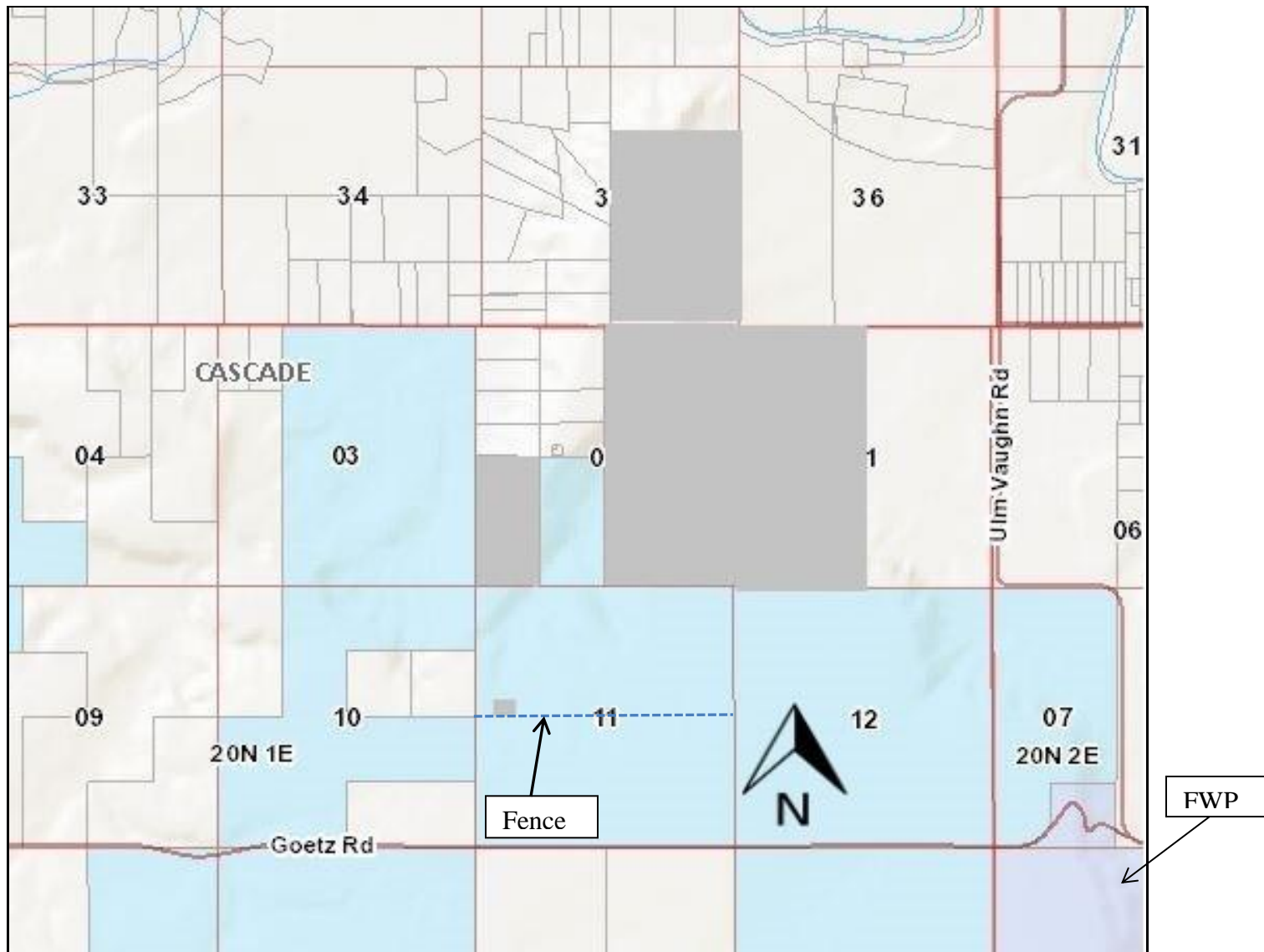
Appendix A: Maps



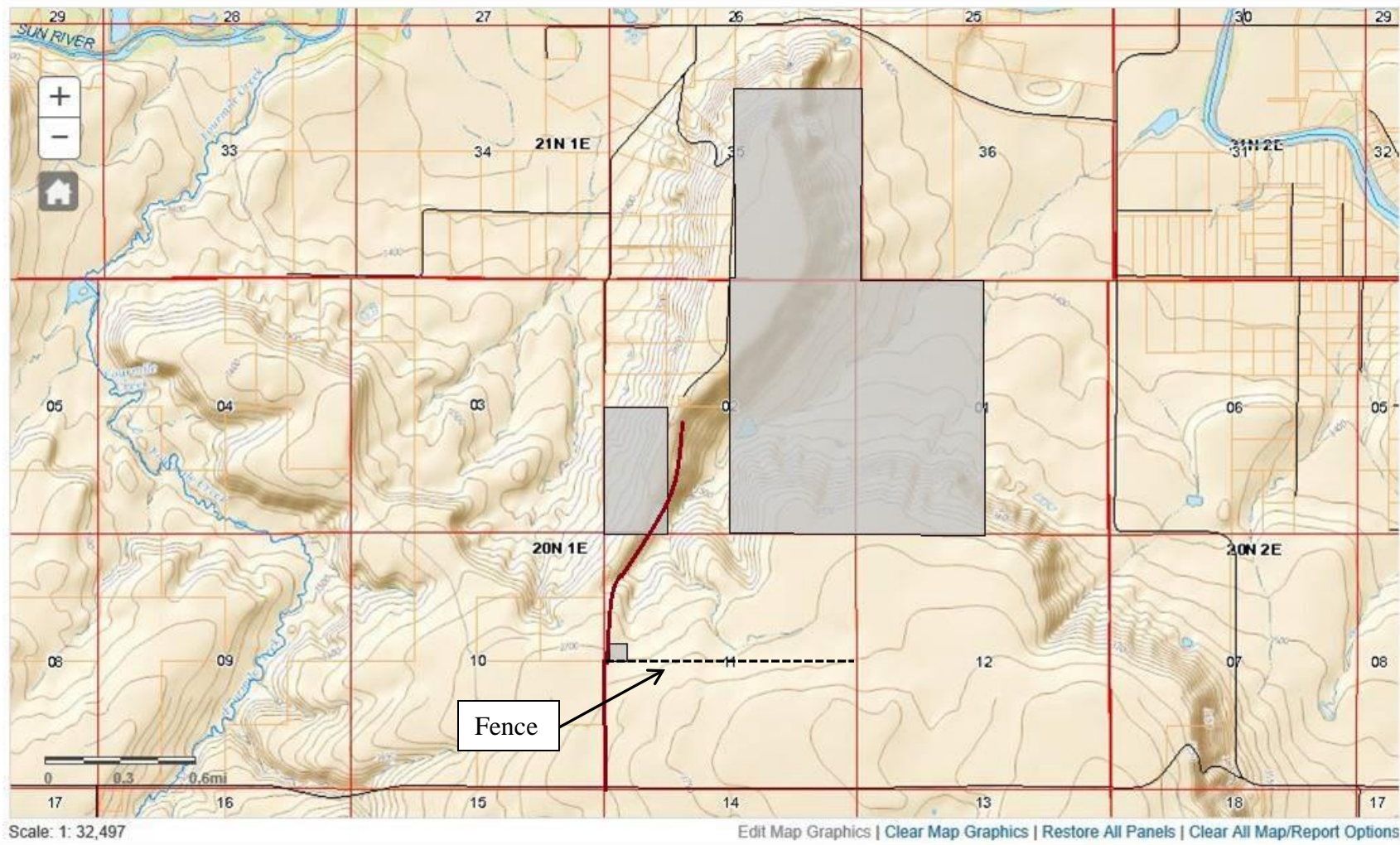
Map 1. Locations of Sites 19 and 20.



Map 2. Site 19 permit area.

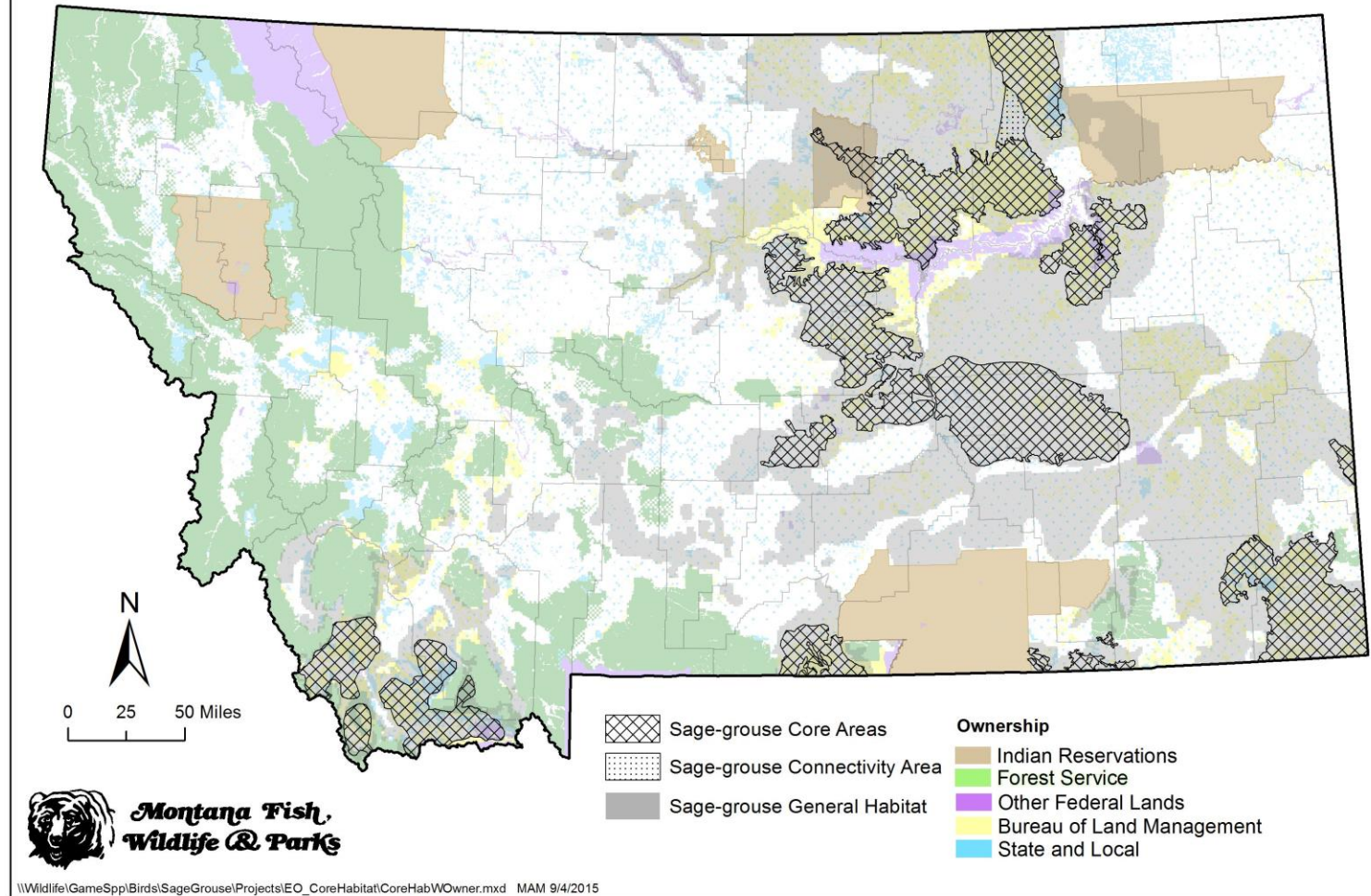


Map 3. Property map of Site 20 vicinity.
Blue = DNRC property; dark gray = permit area; FWP = Fish, Wildlife, and Parks



Map 4. Site 20 permit area (gray). Access road shown in red.

Sage-grouse Core Areas and General Habitat in Montana



Map 5. Sage grouse core areas and general habitat in Montana per Montana FWP.

Appendix B: Mining Leases

Appendix C: National Resource Conservation Service Soil Reports

Appendix D: Cascade County Weed Management Plan

Appendix E: Reports of Cultural Resource Surveys